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Most Recent Summaries

DeCologero v. US

September 20, 2015

Convictions for violations of the Racketeer Influenced and Corrupt Organizations Act (RICO) and a number of related crimes, are affirmed over defendants' 28 U.S.C. section 2255 motions to vacate convictions, on grounds that the FBI should have produced allegedly exculpatory reports before trial under *Brady v. Maryland*, where the district court correctly denied the motions, finding that the prosecution team was not aware of the reports prior to the trial and that the reports were not material for *Brady* purposes.

Davis v. Holder

September 20, 2015

In a petition for review of a Board of Immigration Appeals decision that petitioner did not enter into marriage in good faith, but rather for the sole purpose of circumventing immigration laws, the petition is denied where: 1) petitioner was afforded a fundamentally fair proceeding during which substantial evidence was presented for the IJ and the BIA to conclude that petitioner's first marriage was not entered into in good faith; and 2) there was no abuse of discretion in the BIA's decision to deny petitioner's motion to reopen due to his subsequent marriage to another US citizen.

Davis v. Coakley

September 17, 2015

In an action against a former governor of Massachusetts and former Attorney General in their personal capacities, seeking monetary damages under 42 U.S.C. section 1983, alleging defendants violated plaintiff's equal protection and due process rights because they refused to indemnify a punitive damages award, which plaintiff received in a federal civil rights action that he brought against individual state employees where were held responsible for restraining and beating him in a state mental hospital, the district court's grant of defendant's motion to dismiss is affirmed for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

Levesque v. Holder

September 17, 2015

In a petition for review of a Board of Immigration Appeals decision upholding the Department of Homeland Security's removal order under 8 U.S.C. section 1227(a)(2)(A)(iii), the petition is denied where a federal or state conviction can constitute an "aggravated felony" under this law even if the petitioner served no incarcerative sentence for that crime, under section 1101(a)(43).

US v. Moon

September 17, 2015

Conviction and sentence for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. section 922(g)(1), are affirmed over numerous evidentiary challenges and an Armed Criminal Career Act sentence claim.

US v. Rose

September 17, 2015

Convictions and sentences stemming from defendants' respective roles in a Cape Cod based drug-distribution conspiracy are affirmed over challenges to the necessity of wiretaps used in the investigation, the government's utilization of an "overview witness," the search of defendant's home, and Alleyne violations in sentencing.